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SUBJECT: COLOMBIA: OVERVIEW OF MAJOR POLITICAL DEVELOPMENTS
IN 2004

Classified By: Ambassador William B. Wood for reasons 1.4 (b) and (d).

11. (C) Summary: Although the Uribe Administration can boast important victories in 2004, including Congressional approval of presidential reelection legislation and the introduction of an accusatory criminal justice system, President Uribe's popularity -- which never fell below 65 percent all year -- did not translate into proportionate influence in the Congress or with the political parties. Uribe's failure in October 2003 to translate personal popularity into approval of his political reform referendum, or victories for pro-Uribe candidates in departmental and local elections, cost him partisan political influence. His focus on governance over consensus-building and politics made him appear insensitive to political pressures on others, leading to extreme partisan squabbling and distracting campaigns of political assassination-by-rumor. The partisan environment inhibited passage of key legislation on fiscal reform, the distribution of confiscated narco-trafficking assets, and the peace process. At the institutional level, however, GOC entities made significant progress on human rights. The political dynamic in 2005 will be set by the Constitutional Court's ruling on the validity of legislation authorizing presidential reelection, the initiation of unofficial campaigning for the 2006 Congressional and Presidential elections, and whether Uribe himself jumps into the fray of partisan politics. Other key issues such as demobilization, Plan Patriota, and FTA negotiations, will continue on the agenda. End Summary.

12. (U) The Uribe Administration scored major victories in 2004, including Congressional passage of Constitutional reform to permit presidential reelection, adoption of a new anti-terrorism law (subsequently struck down by the Constitutional Court), and final approval of a new criminal procedure code that introduced an oral, accusatory criminal justice system.

DIFFICULTIES WITH THE CONGRESS

13. (SBU) Despite impressive popularity numbers, Uribe's standing with the public did not translate -- with the notable exceptions already mentioned -- into passage of important reforms by the Congress. Even among the so-called "Uribistas," there were losses on such crucial matters as tax reform and the nomination of a new Constitutional Court justice. One clear reason for these failures is that, by both historical precedent and institutional structure, Congressional leaders are largely insulated from voter pressures: a strong "list" system makes them more responsive to party leaders, who determine their places on national or local lists, than to voter preferences. And the party leadership, whose positions do not depend on any popular vote, are even more isolated from popular pressure.

14. (C) Another reason is the perception that Uribe seeks to jump the traditional political structures and go straight to the people, a prospect that the political parties found profoundly disturbing. In this sense, traditional political elites view Uribe's popularity as threatening.

15. (C) In 2004, this produced the worst kind of partisan squabbling, centered on the reelection issue, but extending throughout the political environment. Ironically, although the criticism in the run-up to the October 2003 elections was that Uribe had failed to "play politics" sufficiently, criticism surrounding the reelection reform was that he was sacrificing the Administration's substantive agenda by "playing too much politics." It also produced a year of "red herrings." For instance, there was a major controversy, leading some members of Congress to recuse themselves temporarily from the reelection debate, over accusations that the Administration had appointed their friends and relatives to cushy diplomatic and other government posts. And the government's rock-bottom deal to purchase an almost-new presidential jet sparked marathon Senate hearings and inquiries to the Embassy (although when the facts were known, the "scandal" withered).

16. (SBU) More importantly, the rank partisanship on display in 2004 inhibited the ability of the Colombian polity to come

to consensus on sensitive matters. No major tax reform, no major pension reform, and no reform of constitutionally mandated resource transfers to the rural departments could be passed, in spite of a growing budget deficit. (Three questions that were all part of the 2003 referendum.) No decision on the management, use, or distribution of assets confiscated from narco-terrorists, after last year's law facilitating confiscation itself was adopted; so the assets are left to rot. No decision on spraying in national parks. The Congress issued a shocking invitation to paramilitary leaders to address a joint session of the legislature (the Administration chose not to formally oppose it because of respect for the separation of powers). The legal framework for paramilitary demobilization went unaddressed.

17. (C) At an institutional level, however, government entities made significant progress on human rights issues. The GOC increased its dialogue with NGOs, the UN, and foreign governments; senior-level meetings with local and international human rights organizations included over 40 hours of discussions on the UNHCHR's 27 human rights recommendations. The Ministry of Interior and Justice's protection program assisted 667 individuals in 2004 including members of NGOs, labor unionists, mayors and other vulnerable populations. The Prosecutor General created an internal anti-corruption unit, requiring polygraphing for those in sensitive narcotics and internal affairs units and dismissal for those suspected of corruption. The start of a transition to an accusatory justice system modeled on the U.S. system should increase the speed and transparency of judicial proceedings. Improvement in the military justice system will also be a priority in 2005.

18. (C) Although less than two percent of human rights violations were attributable to government security forces, most Colombian NGOs -- which generally lean to the left -- remained critical of GOC efforts. And recent instances of presumed human rights violations by members of the armed forces, such as the August murders of three trade unionists in Arauca, show that there is still a need for further improvement in their protection of human rights. Yet, public approval ratings for the armed forces and police remained higher than of any other major national institution, including the Roman Catholic Church.

19. (C) Failure of political consensus behind Uribe also made the Administration vulnerable to political assassination-by-rumor. Uribe's so-called "Minister of the Presidency" (his closest advisor), the Secretary General of the Presidency, the Deputy Prosecutor General, and a Vice Minister of Defense were all hounded from office by reports -- all trivial -- of conflict of interest. Elite special interests exercised enormous influence on more narrow questions: humanitarian exchange of hostages and extradition were two key examples.

LOOKING TO 2005

10. (C) It is difficult to know how this dynamic will play out in 2005. One key variable will be a decision by the Constitutional Court on reelection, presumably in the spring. (It may turn out that the failure of Uribe's Congressional supporters to promote the Administration candidate for the Court, potentially creating a 5-4 majority against the constitutional amendment to allow Uribe a second term, will be the single most important decision of 2004.) Another key variable will be the beginnings of the presidential and congressional campaigns for elections in 2006 (congressional elections in March; first-round presidential elections in May). If Uribe can run, he may also try to influence local and congressional elections. The reelection reform would allow the sitting president, for the first time in over fifty years, to actually engage in political campaign activities, albeit for a limited period prior to election day. If the Constitutional Court prevents his running, Uribe has told us that election of the right successor will be a high priority. A third variable will be whether Uribe is seen as descending into partisan politics, or continues to focus on governance; the temptation will be for the former but his popularity is based on the latter, especially regarding security.

11. (C) Finally, there are the specifics: 2005 will be a big year for the GOC, to include the demobilization of perhaps 10,000 more paramilitaries; the continuation of "Plan Patriota" and other operations against terrorist leadership; busting more narcos and eradicating/seizing their drugs; confronting persistently high unemployment rates; possibly initiating an ELN peace process and, perhaps, beginning meaningful overtures to the FARC; concluding negotiations of an FTA with the U.S.; dealing with the issue of U.S. and Colombian hostages; implementing the new accusatory justice system and improving the military justice system; and managing prickly relations with Venezuela.

WOOD